REMARKS

Claims 1-5 and 7-18 are pending and presented for examination in this application, with claims 1, 8, 13 and 18 being in independent form. Claim 6 was previously canceled. By this Amendment, claims 1, 8, 13 and 18 have been amended to place the claims in better form for examination and clarify the claimed invention. It is submitted that no new matter has been added by the present amendment. Accordingly, entry of this amendment is respectfully requested.

Claims 1, 7, 8, 13 and 18 were rejected under 35 U.S.C. § 102(b) or § 102(e) as allegedly anticipated by U.S. Patent No. 5,638,354 to Nakayama et al., or under 35 U.S.C. § 103(a) as purportedly obvious over Nakayama in view of U.S. Patent No. 5,666,345 to Takahashi et al. or Japanese patent application publication number 11-066630 ("the '630 reference"), Claims 2, 3, 9-11 and 15 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Nakayama as applied to claims 1, 8 and 13, and further in view of U.S. Patent 5,477,527 to Tsuchiya et al. Claims 2-5, 9-12 and 14-17 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Nakayama as applied to claims 1, 8 and 13, and further in view of U.S. Patent 5,673,250 to Mieda et al. or U.S. Patent 5,459,712 to Sugaya et al.

Applicants have carefully considered the December 1, 2003 final Office Action and the cited art, and respectfully submit that independent claims 1, 8, 13 and 18, as amended, are patentable over the cited art, for at least the following reasons.

This application relates to an optical information recording medium which is not substantially affected by cross-talk even when phase pits exist on the lands situated at the right and left sides of a groove and in which the preformat information encoded by phase pits can be reproduced reliably. Applicants found that these objectives are served by the features that (a) a phase pit encoding preformat information for a first groove is radially connected with another groove adjoining on a side of the pit relative to the first groove, (b) a partition wall is formed in a

radial direction between the phase pit and the first groove, and (c) obliques of the edge portions of the first phase pit are different. Independent claims 1, 8, 13 and 18 have been amended to more clearly recite these features.

Nakayama is the primary reference cited in the rejections. Nakayama is directed to an optical information recording medium having pregrooves and prepits for tracking formed in different positions of central lines, and a method for recording information to and regenerating recorded information from the optical information recording medium by tracking both a groove and a land.

Takahashi, as understood by Applicants, is directed to an optical memory disc medium with predetermined guide tracks and prepits. The '630 reference is directed to an optical information recording medium, wherein a phase pit indicating preformat information can be reproduced by a push-pull methodology. Takahashi and the '630 reference are cited in the Office Action for their purported disclosures of prepits which have depths equal to that of a track depth.

Tsuchiya, as understood by Applicants, is directed to an optical disc having a pit length, a track pitch and a pit width, in respective specified ranges. Tsuchiya is cited in the Office Action for its disclosure of specific track pitch, spot size and pit width values.

Mieda, as understood by Applicants, is directed to an optical recording medium having pit rows which are formed on every other boundary section. Mieda is cited in the Office Action as disclosing optical records having a plurality of pit formats available for maximizing system parameters, such as crosstalk reduction and increasing recording density. The Office Action states also that Figs. 3-5 of Mieda provide for a variety of parameters to be varied.

Sugaya, as understood by Applicants, is directed to an optical disk having a recording layer on which information is recorded at specific pitches in the form of pit trains. Sugaya, like Mieda, is cited in the Office Action as purportedly disclosing optical records having a plurality of

pit formats available for maximizing system parameters, such as crosstalk reduction and increasing recording density.

Applicants find no disclosure or suggestion by the cited art, however, of the features that (a) a phase pit encoding preformat information for a first groove is radially connected with another groove adjoining on a side of the pit relative to the first groove, (b) a partition wall is formed in a radial direction between the phase pit and the first groove, and (c) obliques of the edge portions of the first phase pit are different, as provided by the claimed invention recited in independent claims 1, 8, 13 and 18, as amended.

Since the cited art does not disclose or suggest each and every feature of the claimed invention, it does not render the claimed invention unpatentable.

Accordingly, for at least the above-stated reasons, Applicant respectfully submits that independent claims 1, 8, 13 and 18 as amended, and the claims depending therefrom, are patentable over the cited art.

If a petition for a further extension of time is required to make this amendment timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

The Office is hereby authorized to charge any additional fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Rcconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

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